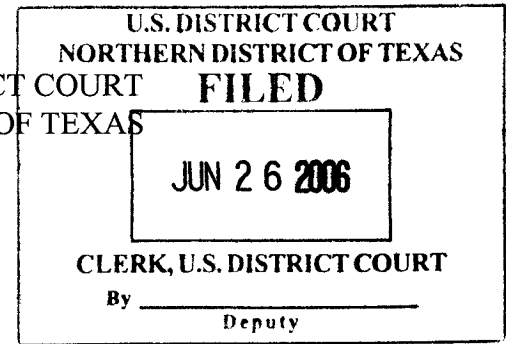


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION



MONTY JOE KUYKENDALL,

Petitioner,

v.

DOUGLAS DRETKE, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:06-CV-0117

ORDER ADOPTING REPORT AND RECOMMENDATION,
and DISMISSING PETITION FOR A WRIT OF HABEAS CORPUS

Came this day for consideration the petition for a federal writ of habeas corpus filed by petitioner MONTY JOE KUYKENDALL. Said habeas petition was filed without prepayment of the required \$5.00 filing fee. With his petition for habeas relief, petitioner did not submit an Application to Proceed *In Forma Pauperis* or a certified *in forma pauperis* data sheet. On May 9, 2006, the Court entered an Order granting petitioner permission to proceed *in forma pauperis temporarily*, pending either payment of the \$5.00 filing fee or submission of an Application to Proceed *In Forma Pauperis* with a certified *in forma pauperis* data sheet. Petitioner was given twenty (20) days from the date of the Court's Order in which to properly submit a request to proceed *in forma pauperis* or pay the filing fee.

On June 5, 2006, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the petition for a writ of habeas

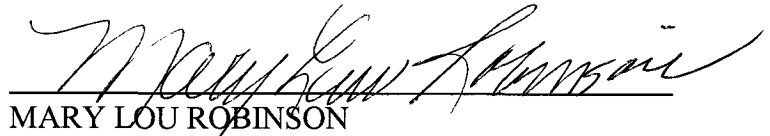
corpus filed by petitioner be dismissed for failure to pay the \$5.00 filing fee. As of this date, no objections to the Report and Recommendation have been filed of record, nor has the \$5.00 filing fee been paid.

Based upon an independent examination of the record in this case, the District Judge is of the opinion that the Magistrate Judge's Report and Recommendation should be, and hereby is, ADOPTED. Accordingly, the petition for a writ of habeas corpus filed by petitioner MONTY JOE KUYKENDALL is DISMISSED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

IT IS SO ORDERED.

ENTERED this 26th day of June 2006.



MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE